

JUDGE COTE

08 CV 00989

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GREGORY PAPADOPOULOS,

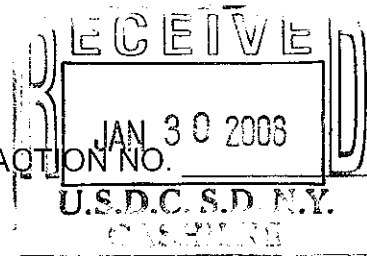
Plaintiff,

V.

TENET GOOD SAMARITAN INC.,

Defendant.

CIVIL ACTION NO.



JANUARY 23, 2008

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, the defendant, misnamed TENET GOOD SAMARITAN INC., dba GOOD SAMARITAN ("Defendant Tenet"), through its undersigned counsel, Zeldes, Needle & Cooper, P.C., hereby gives notice of removal of this case to this Court from the Civil Court of the City of New York, County of New York, in which this action is now pending. The Defendant Tenet appears solely for the purpose of removal and for no other purpose, reserving all defenses available to it. In support of this notice, Defendant Tenet represents as follows:

1. An action was commenced against the defendant in the Civil Court of the City of New York, County New York entitled, Gregory Papadopoulos v. Tenet Good Samaritan Inc. dba Good Samaritan, received in the New York County Clerk's

office on December 21, 2007. A copy of the summons and complaint served upon Defendant Tenet is attached hereto as Exhibit A.

2. The complaint is dated November 29, 2007. Reserving all defenses to the sufficiency of process or services of process, it appears that the complaint was purportedly served upon Tenet on December 26, 2007. Removal of this action is therefore timely under 28 U.S.C. § 1446(b). To the best of Defendant Tenet's knowledge, there have been no other motions or papers filed with the Civil Court of the City of New York, County of New York.

3. In the complaint in the above-described action, Plaintiff, proceeding pro se, has claimed that "Defendant Good Samaritan through their [sic] collection agency Central Financial Control entered two separate derogatory accounts, one for each visit [to Good Samaritan Hospital,] in his credit report." See Pl.'s Compl., attached as Exhibit A. He further alleges that "[b]y reporting two accounts instead of one defendant penalized plaintiff's credit score by about 50 points which makes a significant difference in obtaining financing." See Pl.'s Compl., attached as Exhibit A. In addition, he alleges, "Plaintiff wrote several letters and challenged duplicating one treatment into two accounts. Defendant refused to combine reporting the two accounts into one." See Pl.'s Compl., attached as Exhibit A. Given that Plaintiff alleges that Defendant Tenet improperly furnished information to a consumer reporting agency and then, after Plaintiff informed Defendant of its alleged mistake, refused to combine the accounts, it appears that Plaintiff purports to set forth an

action pursuant to the Fair Credit Reporting Act ("FCRA"), codified at 15 U.S.C. § 1681 *et seq.*

4. Specifically, it appears that Plaintiff alleges that Defendant violated 15 U.S.C. § 1681s-2(b)(1), which reads:

After receiving notice pursuant to section 1681i(a)(2) of this title of a dispute with regard to the completeness or accuracy of any information provided by a person to a consumer reporting agency, the person shall –

(A) conduct an investigation with respect to the disputed information;

(B) review all relevant information provided by the consumer reporting agency pursuant to section 1681(i)(a)(2) of this title;

(C) report the results of the investigation to the consumer reporting agency; and

(D) if the investigation finds that the information is incomplete or inaccurate, report those results to all other consumer reporting agencies to which the person furnished the information and that compile and maintain files on consumers on a nationwide basis

15 U.S.C. § 1681s-2(b)(1),

5. This case is removable pursuant to 28 U.S.C. § 1441(a) and (b) because the Plaintiff's complaint alleges a violation of federal law.

6. The case is removable pursuant to 28 U.S.C. § 1441(a) and (b) because the United States District Court has federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331.

7. As required by 28 U.S.C. § 1446(d), the Defendant Tenet will give notice of the filing of this notice to the Plaintiff and to the Clerk of the Civil Court of the City of New York, County of New York, where the action is now pending. A copy of the "Notice to State Court of Filing of Notice of Removal" is attached as Exhibit B.

WHEREFORE, the Defendant Tenet respectfully requests that the above action now pending against it in the Civil Court of the City of New York, County of New York, be removed therefrom to this Court.

DEFENDANT
TENET GOOD SAMARITAN, INC.

By: 
Jonathan D. Elliot (SE-3654)

ZELDES, NEEDLE & COOPER, P.C.
1000 Lafayette Boulevard
P.O. Box 1740
Bridgeport, CT 06601-1740
Tel: (203) 333-9441
Fax: (203) 333-1489
Email: jelliot@znclaw.com

Its Attorneys

CERTIFICATION

This is to certify that a copy of the foregoing has been sent via U.S. Mail first-class mail, postage prepaid, on this date, to:

Gregory Papadopoulos
800 5th Avenue, Apt. 14B
NYC, NY 10065

Dated at Bridgeport, Connecticut on this 23rd January, 2008.


Jonathan D. Elliot

EXHIBIT A

GREGORY PAPADOPOULOS

Plaintiff

AMENDED SUMMONS WITH

- AGAINST -

ENDORSED COMPLAINT

TENET GOOD SAMARITAN INC DBA GOOD SAMARITAN

Defendant

BASIS OF VENUE IS:
RESIDENCE OF PLAINTIFF

PLAINTIFF(S) ADDRESS:

GREGORY PAPADOPOULOS, 800 5TH AVE, APT 14B, NYC NY 10065

To the above named defendant(s):

TENET GOOD SAMARITAN

1309 NORTH FLAGLER DR

WEST PALM BEACH FL 33401

12/26/07
EdO
9:40A

SUMMONS

YOU ARE HEREBY SUMMONED to appear in the Civil Court of the City of New York, County of New York, at the office of the Clerk of the said Court at 111 Centre Street in the County of New York, City and State of New York, within the time provided by law as noted below,* and to file your answer to the summons with the Clerk. Upon your failure to answer, judgement will be taken against you for the sum of \$25000.00 with interest thereon from 3/31/05, together with the costs of this action.

Date: December 21, 2007

By: _____
Chief Clerk, Civil Court

ENDORSED COMPLAINT

The nature and substance of the plaintiff's cause of action is as follows:

IMPROPERLY ENTERED DEROGATORY ITEMS IN PLAINTIFF'S CREDIT REPORT. SEE ATTACHED

***Note to the Defendant**

A) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within **TWENTY** days after such service; or

B) If the summons is served by delivery to any person other than you personally, or is served outside the City of New York, or by publication, or by any means other than personal delivery to you within the City of New York, you are allowed **THIRTY** days after the proof of service of this summons is filed with the Clerk of this Court within which to appear and answer.

C) Following CPLR 321(a) corporations must be represented by an attorney.

- NOTE TO THE SERVER OF THE SUMMONS -

The person who serves the Summons should complete the Affidavit of Service and file it in the Clerk's Office within **FOURTEEN DAYS** after service of the Summons on the defendant.

PLAINTIFF'S CERTIFICATION
(SEE NYCRR, SECTION 130-1.1a)

SIGN NAME

X

G. Papadopoulos

PRINT NAME

GREGORY PAPADOPOULOS

COMPLAIN

In March 30 2003 plaintiff visited the emergency room of Good Samaritan Hospital in West Palm Beach and had some staples installed to close a wound. In April 4 he returned to have these staples removed. His insurance did not pay because the charges were unreasonable. Eventually plaintiff settled and paid himself. Defendant Good Samaritan through their collection agency Central Financial Control entered two separate derogatory accounts, one for each visit in his credit report. (Exhibit 1)

It was not reasonable to enter two derogatory accounts and the two accounts should have been combined into one for the purpose of reporting to the credit agencies. By reporting two accounts instead of one defendant penalized plaintiff's credit score by about 50 points which makes a significant difference in obtaining financing. In fact defendant has a minimum fixed fee charged for a visit to the emergency room. Since during the second visit the minimum fee was not charged it indicates that as far as their internal procedures are concerned they considered these two visits to be one treatment.

Plaintiff wrote several letters and challenged duplicating one treatment into two accounts. Defendant refused to combine reporting the two accounts into one. (Exhibit 2)

Eventually plaintiff had to pay interest rates for secure loans as high as 25% and finally he had to sell his house in Florida incurring capital gains taxes. Plaintiff's losses were in excess of \$1,000,000. Plaintiff is seeking to recover only a small portion of his losses. He is seeking \$25,000 plus costs and have the two accounts in his credit report combined into one.

November 29, 2007



Gregory Papadopoulos
800 5th aven, apt14B
New York, N.Y. 10065
917-754-7979

Original Creditor: GLENWOOD GARAGE
 Responsibility: DIVISION
 Condition: Individual
 Original Balance: Derogatory
 Balance: \$950
 Date Opened: \$950
 Date Reported: 03/2006
 03/03/2007

EXHIBIT 1

Remarks:
 {TransUnion}
 {Experian}
 {Equifax}

	TransUnion	Experian	Equifax
Creditor Name:			
Account No.:			4745323
Original Creditor:			MCI WORLD.COM
Responsibility:			Individual
Condition:			Paid
Original Balance:			\$482
Balance:			\$0
Date Opened:			11/2004
Date Reported:			08/2005

Remarks:
 {TransUnion}
 {Experian}
 {Equifax}

CENTRL FINCL

	TransUnion	Experian	Equifax
Creditor Name:	CENTRL FINCL	CENTRAL FINL CONTROL	
Account No.:	281969247	281969247	281969247
Original Creditor:	MED1GOOD SAMARITAN MEDICAL CENTER	GOOD SAMARITAN HOSPITAL	
Responsibility:	Individual	Individual	Individual
Condition:	Paid	Paid	Paid
Original Balance:	\$142	\$24	\$142
Balance:	\$0		\$0
Date Opened:	11/21/2003	11/2003	11/2003
Date Reported:	03/01/2006	03/31/2005	11/2005

Remarks:
 {TransUnion} Dispute resolved: customer disagrees
 {Experian} Customer disputed account - reported by subscriber.
 Account legally paid in full for less than the full balance.
 {Equifax} Medical

CENTRL FINCL

	TransUnion	Experian	Equifax
Creditor Name:	CENTRL FINCL	CENTRAL FINL CONTROL	
Account No.:	281969274	281969274	281969274
Original Creditor:	MED102 GOOD SAMARITAN HOSPITAL	GOOD SAMARITAN MEDICAL CENTER	
Responsibility:	Individual	Individual	Individual
Condition:	Paid	Paid	Paid
Original Balance:	\$396	\$396	\$396
Balance:	\$0		\$0
Date Opened:	11/21/2003	11/2003	11/2003
Date Reported:	03/01/2006	03/31/2005	11/2005

Remarks:
 {TransUnion} Dispute resolved: customer disagrees
 {Experian} Account was in dispute - now resolved - reported by subscriber.
 Account legally paid in full for less than the full balance.
 {Equifax} Medical
 Settlement accepted on this account

EXHIBIT 2



Central Financial Control
Consumer Resolution Unit

August 26, 2005

Gregory Papadopoulos
111 El Brillo Way
Palm Beach, FL 33480

CFC Number: 281969247 & 281969274
Facility: Good Samaritan Medical Center
Dates of Service: 3/30/03 & 4/4/03
Patient: Gregory Papadopoulos

Dear Mr. Papadopoulos:

Due to the concerns outlined in your August 11, 2005 letter, our office has thoroughly reviewed your accounts with our client, Good Samaritan Medical Center. Based on our review, we have determined that the account balances billed to you are appropriate.

Please be advised, under this office's obligations to and with the credit reporting agencies (CRAs), we are contractually obligated to report delinquent accounts. Our office made several attempts to contact you at the phone number(s) and address provided at the time of admission. Each attempt to resolve the matter prior to reporting the accounts to the CRAs was unsuccessful. Therefore, our reporting the accounts as delinquent to the CRAs was justified. Be advised, this office made every attempt to resolve the aforementioned accounts prior to reporting the accounts to the CRAs as delinquent. Therefore, this office shall not remove the derogatory reporting from your credit report. The accounts in question have been verified as paid/settled in full as of July 23, 2005.

Please be advised, this office updates its reporting with the CRAs on a monthly basis on the fifteenth of every. Subsequently, since your payment was received after July 15, 2005 the accounts were not due to be updated with the CRAs until August 15, 2005.

Sincerely,

Kiele Cockrell
Dispute Coordinator
Central Financial Control

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This has been sent from a collection agency, Central Financial Control. This is an attempt to collect a debt and any information obtained will be used for that purpose.



Central Financial Control
Consumer Resolution Unit

December 2, 2005

Gregory Papadopoulos
111 El Brillo Way
Palm Beach, FL 33480

CFC Number: 281969247 & 281969274
Facility: Good Samaritan Medical Center
Dates of Service: 3/30/03 & 4/4/03
Patient: Gregory Papadopoulos

Dear Mr. Papadopoulos:

Due to the concerns outlined in your November 23, 2005 letter, our office has thoroughly reviewed your accounts with our client, Good Samaritan Medical Center. Please be advised, our office is unable to honor your request to combine the accounts to show as one delinquent account with the credit reporting agencies (CRAs). The aforementioned accounts will continue to be reported separately to the CRAs as two delinquent accounts.

Sincerely,

Kieley Cockrell
Dispute Coordinator
Central Financial Control

This has been sent from a collection agency, Central Financial Control. This is an attempt to collect a debt and any information obtained will be used for that purpose.

EXHIBIT B

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

GREGORY PAPADOPOULOS,	:	Index No. 070121 CVN 2007
	:	
Plaintiff,	:	
	:	
V.	:	
	:	
TENET GOOD SAMARITAN INC.,	:	
	:	
Defendant.	:	JANUARY 23, 2008
	:	

NOTICE TO STATE COURT OF FILING NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, on January 23, 2008, defendant TENET GOOD SAMARITAN INC., dba GOOD SAMARITAN ("Defendant Tenet"), through its undersigned counsel, Zeldes, Needle & Cooper, P.C., filed in the United States District Court for the Southern District of New York, a "Notice of Removal" in the above-captioned matter. With the latter filing, this action now stands removed from the Civil Court of New York, County of New York, to the United States District Court for the Southern District of New York. A copy of the "Notice of Removal" is attached hereto as Exhibit A.

PLEASE TAKE FURTHER NOTICE THAT a copy of the "Notice of Removal" is being filed with the Clerk of the Civil Court of the City of New York, County of New York.

Dated at Bridgeport, Connecticut this 23rd day of January, 2008.

DEFENDANT
TENET GOOD SAMARITAN, INC.

By: David P. Friedman
David P. Friedman

ZELDES, NEEDLE & COOPER, P.C.
1000 Lafayette Boulevard
P.O. Box 1740
Bridgeport, CT 06601-1740
Tel: (203) 333-9441
Fax: (203) 333-1489
Email: dfriedman@znclaw.com

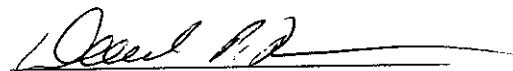
Its Attorneys

CERTIFICATION

This is to certify that a copy of the foregoing has been sent via U.S. Mail first-class mail, postage prepaid, on this date, to:

Gregory Papadopoulos
800 5th Avenue, Apt. 14B
NYC, NY 10065

Dated at Bridgeport, Connecticut on this 23rd January, 2008.


David P. Friedman

GREGORY PAPADOPOULOS
Plaintiff

v.

TENET GOOD SAMARTIAN INC.,
Defendant

NOTICE OF REMOVAL

ZEIDES, NEEDLE & COOPER
1000 Lafayette Blvd.
B.O. Box 1740
Bridgeport, CT
06601

JANUARY 23, 2008